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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,018	02/09/2005	Murray Douglas Jones	4505-1037	7567

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EXAMINER

VALENTI, ANDREA M

ART UNIT PAPER NUMBER

3643

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/524,018

Applicant(s)

JONES ET AL.

Examiner

Andrea M. Valenti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 26-31 is/are rejected.
- 7) ☒ Claim(s) 24 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 24 is objected to because of the following informalities:

Claim 24, line 3, "and the opening and second opening includes a wall" should be --and the first opening and second opening includes a wall--

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16-22 and 26-31 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,575,446 to Swenson et al.

Regarding Claim 16, Swenson teaches a clip including a body (Swenson #10), a first opening (Swenson #21) within the body and which, in use, part of plant can engage (Swenson Fig. 2 #25), first slot (Swenson #13) extending between said first opening and an edge of the body, and a second opening (Swenson #22) within the body and second slot (Swenson #14) extending between the second opening and an edge of the body.

Regarding Claim 17, Swenson teaches the second slot extends from an edge of the body, which is opposite to that from the first slot extends (Swenson slots #13 and #14 are opposite Fig. 1).

Regarding Claim 18, Swenson teaches the first slot is of doglegged form (Swenson Fig. 1 #16 and 17 create a dog leg form).

Regarding Claim 19, Swenson teaches the second slot is of doglegged form (Swenson #19 and 20 create a dog leg form).

Regarding Claim 20, Swenson teaches the first slot has a widened mouth at the edge of the body (Swenson Fig.1 space between #17 and #10).

Regarding Claim 21, Swenson teaches the second slot has a widened mouth at the edge of the body (Swenson Fig. 1 space between #20 and #10).

Regarding Claim 22, Swenson teaches the body is of a molded plastic construction (Swenson Col. 3 line 28).

Regarding Claims 26 and 29, Swenson teaches the clip is symmetrical about central longitudinal and lateral axes (Swenson Col. 3 line 35-37).

Regarding Claims 27 and 30, Swenson teaches each of said first opening and said second opening is circular in shape (Swenson Fig. 1 #21 and 22).

Regarding Claims 28 and 31, Swenson teaches the diameter of said first opening is greater than the diameter of said second opening (Swenson Fig. 1 #21 is larger than #22).

Claims 16-23 and 27-31 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,630,257 to Brody et al.

Regarding Claim 16, Brody et al teaches a clip including a body (Brody Fig. 15 #248 and 204), a first opening (Brody Fig. 15 slot #62 goes into the first opening) within

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the body and which, in use, part of plant can engage, first slot extending between said first opening and an edge of the body, and a second opening (Brody Fig. 15 #64 is the second slot going into the second opening) within the body and second slot extending between the second opening and an edge of the body.

Regarding Claim 17, Brody teaches the second slot extends from an edge of the body, which is opposite to that from the first slot extends (Brody Fig. 15 #64 and 62 are opposite).

Regarding Claim 18, Brody teaches the first slot is of doglegged form (Brody #21).

Regarding Claim 19, Brody teaches the second slot is of doglegged form (Brody #222).

Regarding Claim 20, Brody teaches the first slot has a widened mouth at the edge of the body (Brody #206 and #214).

Regarding Claim 21, Brody teaches the second slot has a widened mouth at the edge of the body (Brody #224 and 248).

Regarding Claim 22, Brody teaches the body is of a molded plastic (Brody Col. 3 line 15) construction.

Regarding Claim 23, Brody teaches the peripheral edge of the body and the edges of the first slot and the opening includes wall which projects from opposite flat sides of the body (Brody flat body is Fig. 15 #248, 204, 242, 254 and the wall is #212, 210 and 208).

Regarding Claim 29, Brody teaches a clip including a body, a first opening within the body and a first slot extending between said first opening and an edge of the body, a second opening within the body and a second slot extending between the second opening and an edge of the body which is opposite to that from the slot extends, said first and second slots each being of doglegged form, said clip being symmetrical about a central longitudinal axis (Brody Fig. 15 in an orientation where #242 was pointing out of the paper, a longitudinal axis horizontally through the clip would be symmetrical)..

Regarding Claims 27 and 30, Brody teaches each of said first opening and said second opening is circular in shape (Brody Fig. 15 #64 and 62).

Regarding Claims 28 and 31, Brody teaches the diameter of said first opening is greater than the diameter of said second opening (Brody Fig. 15 #62 is a larger opening than #64).

Allowable Subject Matter

Claims 24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 4,355,444; U.S. Patent No. 479,509; U.S. Patent No. 2,438,101; U.S. Patent No. 525,010; U.S. Patent No. 6,718,691; U.S. Patent No. 1,366,212; U.S.


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Patent D494,055; U.S. Patent No. 1,687,856; U.S. Patent No. 4,050,187; PCT WO 02/084161.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 571-272-6895. The examiner can normally be reached on 7:00am-5:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Andrea M. Valenti
Patent Examiner
Art Unit 3643

09 March 2006